

Introduction

All staff are entitled to be treated with dignity and respect in their place of work. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 (EqA) as amended. We will not tolerate it.

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

Human Resources (HR) has overall responsibility for the operation of this policy but may delegate elements of implementation or decision-making to Technical. Our managers will maintain an open-door policy and we will encourage all staff to come forward with any concerns in relation to sexual harassment. All our staff have a responsibility to behave in line with the requirements of this policy.

Instances of sexual harassment or victimisation will be the subject of disciplinary action up to, and including, termination of employment for “gross misconduct”.

This policy will be reviewed regularly to ensure it remains up to date and to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce.

Scope

We deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes for employees, workers, agency workers, volunteers, visitors as well as contractors in all areas of our company, including whilst off-site if the perpetrator can reasonably be associated with the Company and cause it to be discredited.

Definitions

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

Sexual harassment may be committed by any persons or groups of persons defined within the scope above. It does not need to occur in person. It can occur via digital means, including social media sites or channels (e.g. WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to;

- sexual comments or jokes, which may be referred to as “banter”
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact in online communications, including on social media.
- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing

Victimisation is subjecting someone to their detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. The person doesn't need to have done the protected act for detrimental treatment to be considered as victimisation.

The protected acts are:

- making a claim or complaint under the EqA (e.g. for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the EqA
- alleging that someone has breached the EqA
- doing anything else in connection with the EqA.

Examples of victimisation may include:

- Failing to consider someone for promotion because they have previously made a sexual harassment complaint.
- Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint.
- Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

What to do if you are subject to sexual harassment or victimisation

We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and following the principles of our disciplinary procedures, which are available from the Winterwood Manual and displayed in the staff entrance corridor.

Informal complaint

We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for someone to raise the issue through our normal grievance procedure. In these circumstances, employees are encouraged to raise such issues with a senior colleague of their choice – this person will be referred to as a confidential helper. The Company will ensure that this is not the same person who will be responsible for investigating the matter if it becomes a formal complaint.

If you are not an employee, then you are encouraged to raise informally with a contact of your choice within this company.

If you experience sexual harassment and you feel comfortable doing so, you should first make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

In addition, if an employee, you may also choose to raise concerns during your regular communication with your manager, e.g. in a one-to-one meeting. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below. If you don't have a one-to-one meeting scheduled with your manager, you can ask to meet with them to discuss any concerns that you may have.

Formal complaint

Where the informal approach fails or if the sexual harassment or victimisation is more serious, you should bring the matter to the attention of HR as a formal written complaint and again your confidential helper can assist you in this.

If possible, you should keep notes of what happened so that the written complaint can include:

- the name of the alleged harasser
- the nature of the alleged harassment
- the dates and times when the alleged harassment occurred
- the names of any witnesses
- any action already taken by you to stop the alleged harassment

On receipt of a formal complaint we will, if necessary, take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.

The Company will then fully investigate, including interviews with other parties involved or alleged to be involved.

On the conclusion of the investigation, which will normally be within 10 working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

You have the right to appeal against the investigator's findings. If you wish to appeal, you must inform HR within five working days of receiving the outcome. You will then be invited to a further meeting. As far as reasonably practicable, the company will be represented by a more senior manager than the manager who attended the first meeting (unless the most senior manager attended that meeting).

Following the appeal meeting, you will be informed of the final decision, normally within 10 working days, which will be confirmed in writing.

Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.

You will not be victimised for having brought a complaint.

What to do if you witness sexual harassment or victimisation

If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter from continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of HR in writing.

Your concerns will be managed by HR who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

Third-party sexual harassment

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, visitors, friends and family of colleagues, self-employed and third-party contractors and others e.g. delegates at a conference.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone, but the Company will take reasonable steps to prevent third-party sexual harassment in such cases.

To prevent third-party sexual harassment from occurring, we will:

- Inform third parties (e.g. suppliers) of our zero-tolerance sexual harassment policy within our supplier documentation.

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to HR. Any criminal acts will be reported to the police.

We will also not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

Disciplinary action

If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action following our disciplinary procedure up to, and including, termination of employment. An employee who is so disciplined may appeal by using our disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, aggravating factors affecting the case will be considered. One example of aggravating factors is an abuse of power over a more junior colleague.

If, due to the investigation, it is concluded that the complaint is either untrue and/or has been brought with malicious intent, disciplinary action will be taken against you (if an employee) or if an external complaint, the Company will consider representations to your employer.

Training

We will provide training to our managers on sexual harassment to ensure there is a clear understanding of:

- what sexual harassment is, how it may occur and that it will not be tolerated
- preventing and managing sexual harassment in the workplace
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal
- how to support employees who are victims of sexual harassment